

324
BILL NO. Z-88-02-19 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z- 06-8P

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-46.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-2-B (Community Shopping Center)
District under the terms of Chapter 33 of the Code of the
City of Fort Wayne, Indiana of 1974:

Part of the East Half of the Southeast Quarter of
Section 11, Township 31 North, Range 12 East, Allen
County, Indiana, more particularly described as
follows:

Commencing at a bronze plug at the Southeast corner of
said Section 11; thence North 89 degrees 18 minutes 00
seconds West, a distance of 676.5 feet along the South
line of said Southeast Quarter; thence North 00 degrees
00 minutes 00 seconds West, a distance of 50.00 feet to
an iron pin found on the North right-of-way line of
Cook Road. Said pin being the point of beginning;
thence North 00 degrees 18 minutes 29 seconds West, a
distance of 1283.52 feet along the East line of
Cambridge Square Apartments to a 1/2 inch square pin
set on the North line of the Southeast Quarter of said
Southeast Quarter; thence North 88 degrees 59 minutes
04 seconds West, a distance of 200.00 feet along said
line to a 1/2 inch square pin set; thence North 00
degrees 00 minutes 00 seconds West, a distance of
400.00 feet, parallel with the East line of said
Southeast Quarter to a 1/2 inch square pin set; thence
South 88 degrees 59 minutes 04 seconds East, a distance
of 853.73 feet to a 1/2 inch square pin set on the West
right-of-way line of Coldwater Road; thence South 00
degrees 00 minutes 00 seconds East, a distance of
1109.82 feet along said right-of-way line, parallel
with the East line of said Southeast Quarter to an iron
pin found on the Westerly right-of-way line of
Coldwater Road; thence South 03 degrees 35 minutes 25
seconds West, a distance of 319.63 feet along said
right-of-way line to a point on the East line of a
tract recorded in Instrument #82-2535 in the Office of
the Recorder of Allen County; thence South 00 degrees
00 minutes 00 seconds East, a distance of 215.00 feet
along said right-of-way line to a point, thence
Southwesterly a distance of 45.93 feet along said
right-of-way line to a point on the South property line
of said tract; thence continuing along the North right-
of-way line of Cook Road to the Point of Beginning,
containing 26.73 acres more or less.

and the symbols of the City of Fort Wayne Zoning Map No. M-
46, as established by Section 11 of Chapter 33 of the Code

329
1 of the City of Fort Wayne, Indiana are hereby changed
2 accordingly.

3 SECTION 2. That this Ordinance shall be in full force
4 and effect from and after its passage and approval by the
5 Mayor.

6 _____
Councilmember

7 APPROVED AS TO FORM AND LEGALITY:

8 _____
J. TIMOTHY MCCAULAY, CITY ATTORNEY
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Fox River Bond
25% COTTON

ZONING MAP ORDINANCE NO. Z-_____

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FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-2-B (Community Shopping Center)
District under the terms of Chapter 33 of the Code of the
City of Fort Wayne, Indiana of 1974:

A tract of land in a part of the Southeast quarter of
Section 11, Township 31 North, Range 12 East, Allen
County, Indiana, more particularly described as
follows:

Commencing at the Southeast corner of Southeast quarter
of the Southeast quarter of said Section 11, said
corner being the intersection of the centerlines of
Cook Road and Coldwater Road; thence North 0 degrees 0
minutes West (assumed bearing) a distance of 620.00
feet along the centerline of Coldwater Road; thence
North 89 degrees 18 minutes West a distance of 50 feet
to the true Point of Beginning; thence South 0 degrees
0 minutes East a distance of 200.00 feet to a point;
thence North 89 degrees 18 minutes west a distance of
341.46 feet to a point; thence south 0 degrees 0
minutes East a distance of 370.00 feet to a point;
thence North 89 degrees 18 minutes West a distance of
30.00 feet to a point; thence North 0 degrees 0 minutes
West a distance of 341.60 feet to a point; thence
North 89 degrees 18 minutes West a distance of 255.97
feet to a point; thence North 0 degrees 08 minutes 30
seconds West a distance of 941.52 feet to a point;
thence North 89 degrees 01 minutes West a distance of
200.00 feet to a point; thence North 0 degrees 0
minutes a distance of 400.00 feet to a point; thence
South 89 degrees 01 minutes East a distance of 829.80
feet to a point; said point being 50' West of the
centerline of Coldwater Road; thence South 0 degrees 0
minutes East and parallel to Coldwater Road a distance
of 817.29 feet to a point; thence North 89 degrees 18
minutes West a distance of 140.00 feet to a point;
thence South 0 degrees 0 minutes East a distance of
292.69 feet to a point; thence South 89 degrees 18
minutes East a distance of 140.00 feet to the Point of
Beginning; containing 20.25 acres more or less, subject
to all easements and right-of-ways of record.

and the symbols of the City of Fort Wayne Zoning Map No. M-
46, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet H. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Stur, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ o'clock _____ M., E.S.T.

DATE: 2 23 88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stur, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>LONG</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-10-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-06-88 on the 10th day of May, 1988,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1988, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of May, 1988, at the hour of 4:30 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

ck # 3597

COMMUNITY DEVELOPMENT & PLANNING

No 2732

FT. WAYNE, IND., Nov 89 '19

RECEIVED FROM Northhill Development \$ 50.00

THE SUM OF fifty DOLLARS

ON ACCOUNT OF Stone Kent Spg. Co.

payone

[Signature]

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

/We Northhill Development Corporation
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an B2A District to a/an B2B
District the property described as follows:

Part of the E/2 E/2 of the SE/4 Section 11, T-31-N, R-12-E, (Washington
Township) Allen County, Indiana

See attached description

Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 7660 Coldwater Road

General Description for Planning Staff Use Only)

/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

<u>Michael T. Boyer</u>	<u>609 E. Cook Rd</u>	<u>V.P./NORTHILL DEV.</u>
<u>Paul E. Gunderson - R. Jane Marrow</u>	<u>4525 Coldwater Rd.</u>	<u>MANAGING PARTNER</u>
		<u>OWNING REMAINING PROPERTY</u>
		<u>OWNERS OF THE</u>
		<u>PLANTATION</u>
(Name)	(Address)	(Signature)

If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the
ordinance be taken under advisement shall be filed in writing and be submitted
to the City Plan Commission prior to the legal notice pertaining to the ordinance
being sent to the newspaper for legal publication. If the request for deferral,
continuance or request that ordinances be taken under advisement is received
prior to the publication of the legal ad being published the head of the Plan
Commission staff shall not put the matter on the agenda for the meeting at which
it was to be considered. The Plan Commission staff will not accept request
from petitioners for deferrals, continuances, withdrawals, or requests that an
ordinance be taken under advisement, after the legal notice of said ordinance
is forwarded to the newspaper for legal publication but shall schedule the matter
for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Paul E. Gunderson
Rocke & Associates

415 E. Cook Road

489-2078

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing
approximately ten (10) days prior to the meeting.

Stone Pointe Shopping Center

Boundary Description

A tract of land in a part of the Southeast quarter of the Southeast quarter of Section 11, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of Southeast quarter of the Southeast quarter of said Section 11, said corner being the intersection of the centerlines of Cook Road and Coldwater Road; thence North 0 Degrees 0 Minutes West (assumed bearing) a distance of 620.00 feet along the centerline of Coldwater Road; thence North 89 Degrees 18 Minutes West a distance of 50 feet to the true Point of Beginning; thence South 0 Degrees 0 Minutes East a distance of 200.00 feet to a point; thence North 89 Degrees 18 Minutes West a distance of 341.46 feet to a point; thence South 0 Degrees 0 Minutes East a distance of 370.00 feet to a point; thence North 89 Degrees 18 Minutes West a distance of 30.00 feet to a point; thence North 0 Degrees 0 Minutes West a distance 341.60 feet to a point; thence North 89 Degrees 18 Minutes West a distance of 255.97 feet to a point; thence North 0 Degrees 08 Minutes 30 Seconds West a distance of 941.52 feet to a point; thence North 89 Degrees 01 Minutes West a distance of 200.00 feet to a point; thence North 0 Degrees 0 Minutes a distance of 400.00 feet to a point; thence South 89 Degrees 01 Minutes East a distance of 829.80 feet to a point; said point being 50' West of the centerline of Coldwater Road; thence South 0 Degrees 0 Minutes East and parallel to Coldwater Road a distance of 817.29 feet to a point; thence North 89 Degrees 18 Minutes West a distance of 140.00 feet to a point; thence South 0 Degrees 0 Minutes East a distance of 292.69 feet to a point, thence South 89 Degrees 18 Minutes East a distance of 140.00 feet to the Point of Beginning; containing 20.25 acres more or less, subject to all easements and right-of-ways of record.

12/7/87 PEG

*Paul Sunderson
OK this lease
12/30/87*

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-02-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1988.

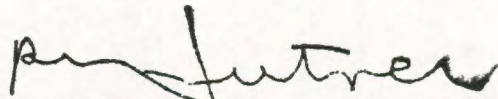
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1988.

Certified and signed this
26th day of April 1988.



Robert Hutner
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 7660 Coldwater Road

3-88-02-19

EFFECT OF PASSAGE Property is presently zoned B-2-A - Neighborhood Shopping Center District. Property will become B-2-B - Community Shopping Center District.

EFFECT OF NON-PASSAGE Property will remain zoned B-2-A - Neighborhood Shopping Center District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-88-02-19

**Division of Community
Development & Planning****BILL NUMBER****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE

From B-2-A to B-2-B

REASON**DETAILS****Specific Location and/or Address**

Northwest corner of Cook & Coldwater Roads

Reason for Project

Enlargement of existing shopping center.

Discussion (Including relationship to other Council actions)18 April 1988 - Public Hearing

Mike Boyers, with Northhill Development Corp., stated they have approximately 20+ acres they are asking to rezone. He stated the present B2A zoning only allows a maximum of 30,000 sq ft for an anchor tenant and a total of 109,000 sq ft gross floor area for the center. He stated the B2B allows an anchor tenant up to 60,000 sq ft with a total of 218,000 sq ft gross floor area. He stated the primary reason for the request is to allow an anchor store of 49,080 sq ft. He stated that the overall gross floor area would be 113,680 sq ft but the anchor tenant would far exceed what is allowed in the present B2A zoning. He stated that they are at present in negotiations with the anchor tenant and they cannot live with the allowed 30,000 sq ft and therefore they are requesting the rezoning.

Janet Bradbury stated that staff speaks to the traffic needs in the area with regard to a tangent land, an adequate left turn and stoppage lane as well as a stop signal. She questioned if they were willing to pay for those improvements.

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Northhill Development Corp City Department Other
Opponents	Groups or Individuals Burl Rawlins, 8031 Sweetfern Clay Tice, 8032 Sweetfern Chas Chapman, 501 Riley Dr Basis of Opposition -increase traffic congestion in area
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Mr. Boyers stated that they had spoken with the Driveway Committee and that they are willing to cooperate with what they have asked for. He stated that they have requested the traffic signal which they are going to pay for.

Clay Tice, 8032 Sweetfern Lane;
Burl Rawlins, 8031 Sweetfern Lane;
Chas Chapman, 501 Riley Drive, appeared in opposition to the requested rezoning. They felt this increased size of the center would create even more traffic congestion in the area, which they stated was already heavily congested. They also felt the need for another supermarket of the stated size was unnecessary in the area.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

25 April 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the six (6) members present 5 voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 10 September 1988

Projected Completion or Occupancy

Date 26 April 1988

Fact Sheet Prepared by
Patricia Biancaniello

Date 26 April 1988

Reviewed by

Date

Reference or Case Number

5/7/88

BILL NO. Z-88-02-19 (AS AMENDED)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXXXX amending the City
of Fort Wayne Zoning Map No. M-46

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~ Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
Mark E. GiaQuinta CHAIRPERSON
Charles B. Redd MARK E. GIAQUINTA
David C. Long VICE CHAIRMAN
Paul M. Burns CHARLES B. REDD
DAVID C. LONG
PAUL M. BURNS

CONCURRED IN 5-10-88

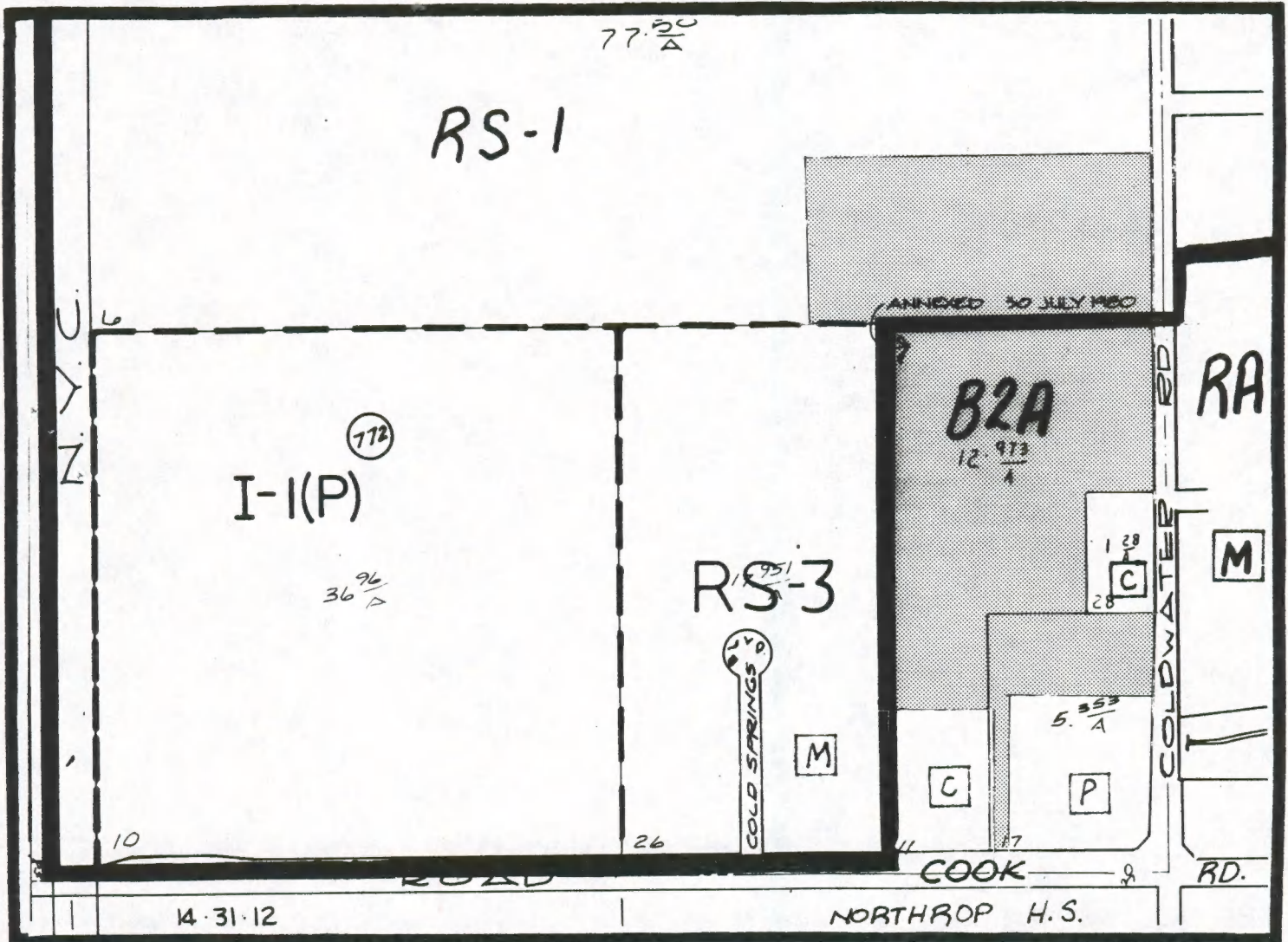
Sandra E. Kennedy
City Clerk

REZONING PETITION #314

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B1A/RS-1 DISTRICT TO A B2B DISTRICT.

MAP NO. M-46

COUNCILMANIC DISTRICT NO. 3



ZONING:

B2A PLANNED SHOPPING CENTER
 I-1(P) LIGHT INDUSTRIAL (PLANNED)
 RS-1 SUBURBAN RESIDENTIAL
 RA RESIDENCE 'A'
 RS-3

LAND USE:

- ☐ SINGLE FAMILY
- ☒ MULTI-FAMILY
- ☒ COMMERCIAL
- ☒ PUBLIC -CHURCH

SCALE: 1"=300'

DATE: 9-30-87

